

By Mr. SLEMP: Paper to accompany bill for \$100,000 for public building at city of Big Stone Gap, Va., and papers for consideration of Committee on Public Buildings and Grounds relative to Wytheville, Va.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: Petition of National German-American Alliance, for repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. SPARKMAN: Petition of Pasco County (Fla.) Camp of United Confederate veterans, against passage of any bill by Congress granting pensions to Confederate veterans—to the Committee on Invalid Pensions.

Also, petition of Council No. 376, United Commercial Travelers of America, of Tampa, Fla., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Papers to accompany H. R. 15434, authorizing the Secretary of War to bestow a medal of honor upon Lawrence O'Brien—to the Committee on Military Affairs.

Also, petition of National German-American Alliance of Missouri, for repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petition of Elm Lodge, No. 420, International Association of Mechanics, of New Haven, Conn., favoring building of war ships in Government yards—to the Committee on Naval Affairs.

Also, petition of Company D, First Infantry, Connecticut National Guard, of Bristol, Conn., favoring the militia bill—to the Committee on Militia.

By Mr. WATSON: Petition of Woman's Home Missionary Society of First Methodist Episcopal Church of Greensburg, Ind., for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. WOOD: Petitions of H. I. Westervelt, George Gibbs, and F. N. Morton, for return of \$45,750 to Stevens Institute of Technology, Hoboken, N. J. (H. R. 11562)—to the Committee on Claims.

SENATE.

THURSDAY, January 30, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CLAPP, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ANNUAL REPORT OF CAPITAL TRACTION COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Capital Traction Company of the District of Columbia for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 485) to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 300) providing for second homestead entries.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9217. An act amending sections 2533 and 2534 of Revised Statutes, so as to change the name of the Fairfield collection district;

H. R. 9218. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;"

H. R. 12420. An act to extend immediate-transportation privileges to the subport of Alburg, in the customs collection district of Vermont; and

H. R. 14434. An act to validate certain entries of public lands in the State of Colorado.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of C. T. Lane, of Fort Wayne, Ind., remonstrating against the passage of the so-called "Crumpacker bill," relating to the method of selecting and employing additional clerks to handle the Thirtieth Census, which was referred to the Committee on the Census.

He also presented a petition of Local Union No. 101, International Typographical Union, of Washington, D. C., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. BRIGGS presented sundry petitions of the Pacific Coast Lumber Manufacturers' Association and of the Pacific Northwest, of Portland, Oreg., praying for the adoption of an amendment to the present interstate-commerce law requiring a hearing before the Interstate Commerce Commission before a change in any interstate freight rate may become effective, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Petworth, Brightwood Park, Brightwood, and Takoma Park citizens' associations of the District of Columbia, praying for enactment of legislation granting authority to the Commissioners of the District of Columbia to regulate and control the management of the street railway companies in the District of Columbia with respect to schedules, cleanliness, etc., which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of the States of New Jersey, New York, Maryland, Pennsylvania, Virginia, and Wisconsin, praying for the enactment of legislation to refund the collateral-inheritance tax to the Stevens Institute of Technology, which were referred to the Committee on Finance.

He also presented a petition of the East, Northeast, North Capitol and Eckington citizens' association of the District of Columbia, praying for the enactment of legislation to extend the tracks of the Capital Traction Company from Seventh street NW., along Florida avenue to Eighth street NE., and thence along Eighth street to connect with the Pennsylvania avenue tracks, which was referred to the Committee on the District of Columbia.

He also presented a petition of Post No. 20, Department of New Jersey, Grand Army of the Republic, of Lambertville, N. J., praying for the passage of the so-called "Lafean pension bill," which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Trenton, Englewood, and Atlantic City, all in the State of New Jersey, and of New York City, N. Y., praying for the passage of the so-called "Kittredge copyright bill," which were referred to the Committee on Patents.

He also presented a memorial of the Listers Agricultural Chemical Works, of New York City, N. Y., remonstrating against the adoption of any further amendments to the present pure food and drug law, which was referred to the Committee on Manufactures.

He also presented a petition of the Navigation Conference of New York City, N. Y., praying that an appropriation be made for the improvement of the national harbor of refuge at Point Judith, Rhode Island, which was referred to the Committee on Commerce.

He also presented petitions of the Master Painters' associations of Paterson and Bergen County and the New Jersey State Association of Master Painters and Decorators, all in the State of New Jersey, praying for the enactment of legislation providing for the labeling of paint materials along the lines of the present pure food and drug law, which were referred to the Committee on Manufactures.

Mr. DICK presented petitions of Local Union No. 42, Printing Pressmen's Association, of Akron; of Local Union No. 22, Stereotypers and Electrotypers' Association, of Cleveland; and of Local Union No. 7, Pressfeeders' Association, of Springfield, all in the State of Ohio, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the Association of Credit Men of Columbus, Ohio, praying for the enactment of legislation providing for a reclassification of second and third class mail matter and the rates of postage thereon, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the American Institute of Electrical Engineers of Boston, Mass., praying for the enactment of legislation to protect the headwaters of important streams of the country from deforestation, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of Local Branch No. 98, Glass Bottle Blowers' Association, of Warwick, Ohio, remonstrating against the enactment of legislation to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Merchants' Association

of Youngstown, Ohio, and a memorial of the Commercial Travelers' Congress of San Francisco, Cal., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Farmers' Institute of Albany, of the Farmers' Institute of Sharon, and of the Farmers' Institute of Chesterhill, all in the State of Ohio, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Williams County Agricultural Society, of Bryan, Ohio, and a petition of the Central Trades Union of Toledo, Ohio, praying for the establishment of postal savings banks, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WARNER presented petitions of sundry ex-volunteer officers of the civil war, members of Grand Army Post No. 179, of Memphis; Post No. 16, of Carthage; Post No. 8, of Kansas City, and Post No. 29, of Chillicothe, all in the State of Missouri, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. KEAN presented the memorial of A. S. Taylor, of Closter, N. J., remonstrating against the enactment of legislation to abolish the various pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of Local Branch No. 54, Glass Bottle Blowers' Association, of Medford, N. J., praying for the enactment of legislation to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Jersey City and Cresskill, in the State of New Jersey, and of New York City, N. Y., praying for the enactment of legislation to refund the collateral inheritance tax to the Stevens Institute of Technology, which were referred to the Committee on Finance.

He also presented the petition of Charles H. Ellis and 26 other citizens of Camden, N. J., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented petitions of Company D, of Bristol, of Company F, of Hartford, and of Company M, of Winsted, all of the Connecticut National Guard, and of Col. John Hickey, of South Manchester, all in the State of Connecticut, praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committee on Military Affairs.

Mr. ELKINS presented a petition of the American National Live Stock Association and Cattle Raisers' Association of Texas, praying for the enactment of legislation requiring railroad companies engaged in interstate commerce to furnish cars and other transportation facilities without unnecessary delay, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Hinton, Okla., praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases, which was referred to the Committee on the Judiciary.

He also presented the petition of George W. Taggart and 7 other volunteer officers of the civil war, and of Henry C. McWhorter and 4 other volunteer officers of the civil war, of the State of West Virginia, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the volunteer officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. DOLLIVER presented a petition of the Commercial Club of Cedar Rapids, Iowa, praying that an annual appropriation be made for industrial education in the agricultural high schools and in the city high schools, and also for the branch agricultural experiment stations, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Clinton County Medical Society, of Clinton, Iowa, praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr. James W. Lazear, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 180, International Typographical Union, of Sioux City, Iowa, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. HOPKINS presented a petition of Local Union No. 458,

of the International Typographical Union, of Carlinville, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Public Policy League of Illinois, praying for the issuance of a series of noninterest-bearing circulating notes to aid in the construction of national public works, which was referred to the Committee on Finance.

He also presented petitions of William H. Glasgow and 46 other citizens, of John Sugrout and 52 other citizens, of A. G. Hammond and 28 other citizens, and of H. B. Kilgour and 57 other citizens, all of the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BOURNE presented a petition of sundry volunteer officers of the civil war, of Oregon, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. BURKETT presented the memorial of C. R. Mawe, of Lincoln, Nebr., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry third-class postmasters of the First Congressional District of Nebraska, praying for the enactment of legislation placing third-class postmasters on the same basis as second-class postmasters as to allowances for clerk hire and equipment for post-offices, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of the Chamber of Commerce of Charleston, W. Va., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. STEPHENSON presented petitions of sundry volunteer officers of the civil war, of Wisconsin, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. McLAURIN, from the Committee on Commerce, to whom was referred the bill (H. R. 558) to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement, reported it without amendment.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 2495) restoring a certain tract of public land in the State of Minnesota to the public domain, reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 4098) for the construction of a steam vessel for the Revenue-Cutter Service for duty on the Pacific coast, reported it with amendments and submitted a report thereon.

Mr. STEPHENSON, from the Committee on Claims, to whom was referred the bill (S. 3843) for the relief of the legal representatives of Stewart & Co., and A. P. H. Stewart, reported it without amendment and submitted a report thereon.

Mr. McCREARY, from the Committee on Military Affairs, to whom was referred the bill (S. 1893) granting an honorable discharge to Peter Fleming, reported it without amendment and submitted a report thereon.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 4380) for the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York, reported it without amendment and submitted a report thereon.

Mr. FRAZIER, from the Committee on Military Affairs, to whom were referred the following bills, reported adversely thereon and moved that they be indefinitely postponed, which was agreed to:

A bill (S. 2447) to correct the military record of Patrick F. McDermott; and

A bill (S. 2482) to remove the charge of desertion from the military record of Frederick A. Noeller.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 3157) to authorize the War Department to transfer certain lands belonging to the Fort Riley Military Reservation to the State of Kansas, reported it with an amendment and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 512) for the relief of the estate of Benja-

min Downs, deceased, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1699) for the relief of Thomas C. Chappell, reported it with amendments and submitted a report thereon.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 4030) to fix the pay of the Army, to report it with amendments, and I submit a report thereon. I give notice that I shall endeavor to bring up the bill for consideration at a very early date.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 3932) authorizing the Secretary of the Interior to convey to the State of Minnesota certain lands in the county of Carlton, Minn., and for other purposes, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4103) authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chipewia Indians," reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4440) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Depredations, which was agreed to.

LAND AT ENID, OKLA.

Mr. McLAURIN. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 3541) vesting in the city of Enid, Okla., for park, school, and other public purposes, title to block 1 of McGuire's approved plat of the southwest quarter of the northwest quarter of section 8, township 22 north, of range 6 west of the Indian meridian, to report it favorably without amendment, and I submit a report thereon.

Mr. GORE. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Mississippi.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. KEAN. From what committee does the bill come?

The VICE-PRESIDENT. From the Committee on Public Lands.

Mr. KEAN. Is it Government land that is being transferred to the State?

Mr. McLAURIN. No; it is not being transferred to the State. It is land within the corporate limits of Enid, in Oklahoma, that is being given to the city for park, school, and other purposes.

Mr. KEAN. Who is the owner of the land?

Mr. McLAURIN. The Government.

Mr. KEAN. Does not the Senator from Mississippi think that we provided very liberally for Oklahoma in the bill to admit Oklahoma as a State?

Mr. McLAURIN. This is not for Oklahoma. This is for Enid.

Mr. KEAN. It is a city in Oklahoma, and school purposes there must be State purposes.

Mr. McLAURIN. The bill has been very carefully considered by the Committee on Public Lands, and the Senator from Oklahoma [Mr. GORE] has just asked for its consideration. It is the unanimous opinion of the Committee on Public Lands that the bill should be passed, and I hope the Senator from New Jersey will not object to it.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE-CUTTER SERVICE ON PACIFIC COAST.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3647) for the construction of a steam vessel for the Revenue-Cutter Service for duty on the Pacific coast, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill.

Mr. SCOTT. I ask the Senator if the bill is from the Committee on Commerce?

Mr. PILES. It is a favorable report from the Committee on Commerce.

There being no objection, the bill was considered as in Committee of the Whole. It authorizes the construction, under the direction of the Secretary of the Treasury, of a steam vessel of the first class for the Revenue-Cutter Service, for duty on the Pacific coast, at a total cost not to exceed \$250,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMMIGRATION STATION AT BOSTON, MASS.

Mr. LODGE. I ask unanimous consent for the consideration of the bill (S. 4121) authorizing the Secretary of Commerce and Labor to procure a site and erect buildings for an immigration station at the port of Boston, in Massachusetts.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of Commerce and Labor to procure a site and erect suitable buildings for an immigrant station at the port of Boston, in the State of Massachusetts, and appropriates for this purpose \$250,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE-PRESIDENT. Reports of committees, standing or select, are in order.

SURVEY OF HACKENSACK RIVER, NEW JERSEY.

Mr. HOPKINS, from the Committee on Commerce, to whom was referred the concurrent resolution submitted by Mr. KEAN on the 28th instant, reported it without amendment, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of the Hackensack River, New Jersey, with a view to improving the navigability thereof, and providing a channel of 16-foot depth from Newark Bay to Little Ferry, and of 12-foot depth from Little Ferry to the Anderson Street Bridge in the town of Hackensack.

SURVEY OF WHITE LAKE HARBOR, MICHIGAN.

Mr. SMITH. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 41) providing for an examination and survey of White Lake Harbor, Michigan, to report in lieu thereof a concurrent resolution, and I ask for its immediate consideration.

Mr. KEAN. If such resolutions are to be considered by unanimous consent, I shall ask that the one preceding be considered also by unanimous consent.

The VICE-PRESIDENT. Is there objection to the present consideration of the concurrent resolution just reported by the Senator from Michigan?

The concurrent resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of White Lake Harbor, Michigan, with a view to providing and maintaining a 20-foot channel and turning basin in said harbor, and to submit estimates for the same.

Mr. SMITH. I move that Senate joint resolution No. 41 be indefinitely postponed.

The motion was agreed to.

SURVEY OF HACKENSACK RIVER, NEW JERSEY.

Mr. KEAN. I ask unanimous consent that the resolution reported prior to the one just considered be put upon its passage. It merely provides for a survey.

The VICE-PRESIDENT. The concurrent resolution will be stated.

The SECRETARY. Senate concurrent resolution 22, by Mr. KEAN, relative to a survey of Hackensack River, New Jersey.

The concurrent resolution was considered by unanimous consent and agreed to.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. From the Committee on Finance I report back favorably, with sundry amendments, the bill (S. 3023) to amend the national banking laws.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. ALDRICH. It is my present purpose to call up the bill for consideration on Monday, February 10. I suggest this date in order that Senators who may desire to participate in the discussion may have time for preparation.

I desire to say, further, that the committee have under con-

sideration some modification of the provisions in regard to railroad bonds, and they may suggest some amendments at a later day.

This is the report of a majority of the committee. Some members of the minority, I think, may have a substitute to offer at some time in the future.

I ask that 5,000 additional copies of the bill may be printed for the use of the Senate document room.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. ALDRICH. Mr. President, I desire to submit in this connection the correspondence between myself and the Interstate Commerce Commission upon the subject of the railroad securities. I ask that the correspondence may be printed in the RECORD and printed as a document.

There being no objection, the matter was ordered to be printed as a document and to be printed in the RECORD, as follows:

[Senate Document No. 212, 60th Congress, 1st Session.]

COMMITTEE ON FINANCE,
UNITED STATES SENATE,
January 21, 1908.

GENTLEMEN: In connection with the proposition that the Government should accept railroad bonds as a part of the securities required from national banks for additional circulating notes, I would be glad if you would advise me.

First, what has been done under the twentieth section of the act to regulate commerce, as amended, relative to a prescribed system of railroad accounts?

Second, what principles or rules have been promulgated in the orders of the Commission thus far issued relative to operating accounts, and what principles or rules are under advisement pertaining to capital accounts, to be covered by subsequent orders of the Commission, that will tend to give security and stability to railway securities?

Third, what has been done under the twentieth section of the act to regulate commerce, as amended, relative to the appointment of a board of special examiners into railway accounts?

Fourth, would it be possible, in your opinion, after the various provisions of the twentieth section shall have been carried into effect, for the Secretary of the Treasury, from the records in the possession of the Interstate Commerce Commission, to select classes of bonds which it would be safe for the Government to accept as security for the ultimate payment of these circulating notes?

Very truly, yours,

NELSON W. ALDRICH.

The INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

INTERSTATE COMMERCE COMMISSION,
Washington, January 29, 1908.

HON. NELSON W. ALDRICH,
Chairman Committee on Finance,
United States Senate, Washington, D. C.

SIR: Your communication of 21st instant, inquiring as to the action taken by the Commission under the twentieth section of the amended act to regulate commerce, relative to a prescribed system of railroad accounts, etc., was referred to Mr. Henry C. Adams, in charge of statistics and accounts, and a copy of his statement in response is submitted herewith.

This statement appears to cover fully the several matters embraced in your inquiry, and is transmitted as the reply of the Commission.

Very respectfully,

MARTIN A. KNAPP, Chairman.

INTERSTATE COMMERCE COMMISSION,
DIVISION OF STATISTICS AND ACCOUNTS,
Washington, January 28, 1908.

HON. MARTIN A. KNAPP,
Chairman Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: In response to your request in connection with the letter of the 21st instant from Senator ALDRICH, chairman of the Finance Committee of the Senate, I submit the following:

It is assumed that answers to the questions contained in the letter of Senator ALDRICH should be limited to the purpose for which they are asked, namely, to learn what added security, if any, will be given to railway stocks and railway bonds as the result of an efficient administration of the twentieth section of the act to regulate commerce, as amended. Any other interpretation would oblige the Commission to cover in its reply a large amount of irrelevant matter.

The questions submitted will be considered in the order of their presentation, the first of these being—

"What has been done, under the twentieth section of the act to regulate commerce, as amended, relative to a prescribed system of railway accounts?"

Before answering this question a word may not be inappropriate relative to the purpose of the twentieth section, to which the question makes reference. This section makes provision for:

I. Annual, monthly, and special reports.

II. A prescribed system of accounts, uniform for all transportation agencies subject to the jurisdiction of the Commission.

III. The employment of "special agents and examiners, who shall have authority . . . to inspect and examine any and all accounts, records, and memoranda kept" by carriers subject to jurisdiction.

The text of the twentieth section makes plain the purposes of Congress, and the Commission, in making provision for its administration, has undertaken, among other things, to establish such supervisory control over railway accounts as to enable anyone interested to distinguish between a carrier whose operating and financial conditions are sound and a carrier whose operating and financial conditions are not sound.

Annual reports have been rendered by the carriers and compiled by the Commission since 1888, but prior to the amended act of June 29, 1906, the Commission was not in a position to assure a uniform interpretation of the items reported, whether by different carriers or by the same carrier from year to year. It is evident, if annual reports are to serve a practical purpose, that they should be made with a common understanding of the terms used, and rest upon a uniform system of

accounts. This is only possible where the rules of accounting have the authority of law, from which it may be concluded that a system of prescribed accounts having been established the annual reports will assume a significance which heretofore they have not borne, especially from the point of view of judicious discrimination relative to railway securities.

Regular monthly reports of revenues and expenses have been filed by the carriers since July 1, 1907. These reports are made under oath, which oath states that they are compiled "according to the accounting rules promulgated by the Interstate Commerce Commission relative to operating accounts." These monthly reports are regarded by the Commission as "public documents" under the law, and as such are filed in duplicate, one set being open for the inspection of the public in a room specially arranged for this purpose. Furthermore, the division in charge of the compilation of monthly reports is instructed to place in the hands of the representatives of the press, or of any others interested, at the close of each day a compilation of all reports received by or before 3 o'clock of the afternoon of that day. It is evident that information of this sort, universally rendered by the carriers and regularly published by the Commission month by month, must, from the nature of the case, tend to establish and perpetuate a stable value for railway securities.

The special reports cover special investigations. The most important of the investigations of this class which have been undertaken since the enactment of the law is an investigation into the intercorporate relations of carriers as reflected in the intercorporate ownership of railway securities. The chief aim of the investigation was to enable this office to eliminate from its compilations such railway securities as were reported as outstanding, in so far as they were the property of other carriers and made the basis of other issues. This investigation is now practically completed and shows that the amount of stocks and bonds heretofore reported as outstanding in the hands of the public will be reduced nearly \$10,000 per mile. Prior to the amendment of the twentieth section of the interstate-commerce act, it was not possible for this office to obtain from the carriers the data necessary to an accurate statement of railway capital. This, however, is no longer the case, and reference is here made to the special investigations into intercorporate relations for the reason that it illustrates that the Commission is now in the possession of the authority and of the machinery to obtain whatever information is necessary to warrant a discriminating opinion relative to the value of railway securities.

Two other special investigations have been set on foot, both of which aim to protect the property accounts. These are an investigation into the manner in which carriers have treated depreciation during the six months ending December 31, 1907, and an investigation into the record of cars and locomotives retired during the past five years. All of these matters relating to annual, monthly, and special reports are pertinent to the question in hand, for they tend to the establishment of stable conditions for railway securities.

The work of formulating a system of accounts was begun in August, 1906, and in June, 1907, the operating accounts for steam carriers were issued. These operating accounts cover six classifications, and it should be understood that the rules of accounting which, under the law, become binding upon the carriers when promulgated under order of the Commission are expressed in the text explanatory of the primary accounts for which the classifications provide. The six classifications referred to are as follows:

1. Classification of operating expenses.
2. Classification of operating revenues.
3. Classification of expenditures for road and equipment.
4. Classification of locomotive-miles, car-miles, and train-miles.
5. Classification of additions and betterments, and
6. Classification of outside operations.

Of the above classifications, those from 1 to 4 were issued under order of the Commission dated June 3, 1907; the others were issued under circulars of instruction, and in the main have been followed by the carriers. After revision they will be submitted to the Commission for promulgation under order to take effect July 1, 1908.

A complete system of railway accounting must be made to cover the property and the capital accounts; that is to say, there must be an authoritative classification of the items entering into an income account, the purpose of which is to arrive at a correct statement of the surplus (or deficit) resulting from the year's operations, and an authoritative classification of the items entering into a balance-sheet statement, the purpose of which is to arrive at a correct statement of the accumulated surplus or accumulated deficit resulting from the manner in which the property has been managed from the beginning. The formulation of an income account and of a balance sheet is well under way, and will be submitted to the Commission for promulgation under order in time to take effect July 1, 1908.

The second question submitted is as follows:

"What principles or rules have been promulgated in the orders of the Commission thus far issued relative to operating accounts, and what principles or rules are under advisement pertaining to capital accounts to be covered by subsequent orders of the Commission that will tend to give security and stability to railway securities?"

What follows treats the accounting system as a unit. No difference will be made between principles that have been promulgated under order and those which are to be promulgated. The entire scheme of accounting, so far as the main primary accounts are concerned, will become effective July 1, 1908.

Of the general principles embodied in this scheme of accounting, there are four of especial pertinence to the matter under consideration because of the relation they sustain to the conditions under which stocks and bonds are likely to show stability of value. These principles are:

1. That discount on securities is not an item properly included in the cost of property.
2. That depreciation is an element of operating cost, and should be included in operating expenses.
3. That betterments and additions are not elements of operating cost, and should be charged to income or to capital.
4. That the total of assets and the total of liabilities should be shown upon the balance sheet, and that "profit and loss" should be so analyzed as to state separately the different items covered.

The first of the principles above named pertains, so far as the present influence of the Commission is concerned, to the future rather than to the present, and even for the future its full significance as suggesting practical rules of administration pertains primarily to a commission having authority to supervise railway capitalization. It is important, however, as bearing upon the question in hand, to know that the construction accounts promulgated by the Interstate Commerce Commission, and adopted by most of the States, propose to open the balance-sheet account with a cash statement of what it costs to create the property at one hundred cents on the dollar. The point to be noted is, that the system of railway accounting promulgated by the Commission has been

drawn in view of the possibility that Congress may at some future time deem it wise to require an inventory valuation of railway property, and to authorize some form of supervisory control over capitalization, and the analysis which underlies the construction accounts as promulgated is an analysis which easily lends itself to this purpose, and for that reason readily suggests the character and the method of an investigation the object of which is to disclose what stocks and bonds do in fact possess a certain and a stable value.

The second and the third of the above principles may be considered together, for the "depreciation" accounts and the "additions and betterments" accounts are each complementary to the other. The purpose of a depreciation account is to guard against the overstatement of net revenue by failure to include all the costs of operation in operating expenses; while the purpose of the additions and betterments accounts is to guard against the understatement of net revenue by including in operating expenses as a cost of operation what in fact is an improvement to the property. Heretofore no uniform rule has controlled these charges. The executive officer, perhaps to make a showing, perhaps to influence the market (the purpose is not important) has believed it to be a prerogative of management to order the accountant to vary these charges from time to time, according to some special purpose or fancied exigency. Under such conditions it is not strange that railway stocks, and also to some extent railway bonds, have come to be regarded as speculative issues rather than investment securities. The tendency of the accounts promulgated by the Commission must be to steady the market for railway securities and to strengthen the credit of all sound enterprises. The twentieth section of the act to regulate commerce as amended is an important step in the development of supervisory administration. Under the new law, the accounts of the carriers are no longer a private matter. On the contrary, they are as completely subject to public control as are the accounts of the United States Treasury, and when the machinery for the realization of that control is perfected and put into successful operation there will arise a general confidence in railway securities which will give them a sure and stable value, provided the enterprise which they represent is a sound commercial enterprise.

The fourth principle above mentioned pertains to the balance sheet. As the test of the operating accounts is a correct statement of net revenue from operation, so the test of a balance sheet is a correct statement of the accumulated surplus.

It seems hardly appropriate to include in this cursory statement a consideration of all the many questions of detail that arise in connection with the balance sheet. In working out the general and supporting accounts for this most important statement, an accurate analysis of the items covered, of a strict interpretation of the words "assets" and "liabilities," a clear definition of "accruals," and entries so comprehensive that all important operating and financial transactions may be duly reflected, have from the outset been regarded as essential for a successful balance sheet. Moreover, the fact that public examiners must test this account has not been lost to view. A balance sheet, if correctly drawn, taken in connection with the operating accounts and the property accounts of a carrier, should furnish adequate information for testing the stability and certainty of underlying securities.

The third question is as follows:

"What has been done under the twentieth section of the act to regulate commerce, as amended, relative to the appointment of a board of special examiners into railway accounts?"

The board of special examiners is the means proposed by Congress to make effective a prescribed system of railway accounts. In direct response to the question, it should be said that no board of examiners has as yet been formally organized. Ten special examiners have been appointed, but for the most part they have been engaged in investigations bearing upon the character of the accounts to be prescribed. With the exception of special examinations into claims and into the manner in which the depreciation accounts have been applied, no formal examinations, such as were contemplated by Congress, have been undertaken.

It will require the permanent employment of 260 men to enable the Commission to exercise administrative supervision over the accounts of steam railways. The Civil Service Commission has provided, through special examination, a roster from which perhaps half of this number of men may be secured, and a new examination will be undertaken when necessary. A programme for the organization of a board of examiners, including a plan for branch offices at certain selected railway centers and a set of instructions prescribing the manner in which these examinations shall be carried on, are sufficiently advanced to warrant the statement that this formal examination may be effectively begun on July 1, 1908, so far as this office is concerned. No further steps can be taken in this direction, however, until it is known what appropriation is to be placed at the disposal of the Commission for this purpose.

The fourth question is as follows:

"Would it be possible, in your opinion, after the various provisions of the twentieth section have been carried into effect, for the Secretary of the Treasury, from the records in the possession of the Interstate Commerce Commission, to select classes of bonds which it would be safe for the Government to accept as security for the ultimate payment of circulating notes?"

This is a question which should, of course, be answered by the Commission. As you have requested an expression of personal opinion upon this point, however, I may state that, so far as I can see, there is no reason why the Secretary of the Treasury, availing himself of the information collected by the Interstate Commerce Commission, obtained through its power of investigation conferred by law and through the exercise of its supervisory control over railway accounts by means of a board of examiners, for which the law provides, can not "select classes of bonds which it would be safe for the Government to accept as security for the ultimate payment of circulating notes."

Respectfully submitted.

HENRY C. ADAMS,
In Charge of Statistics and Accounts.

Mr. BAILEY. Mr. President, if the Finance Committee has submitted or intends to submit a formal report, then I ask leave, on behalf of the minority of that committee, that we shall have the privilege hereafter of filing our views. The minority, or at least a part of it, will offer at the proper time a substitute for the bill reported by the committee. Though I could have learned by inquiry before we left the committee room, I am now not advised whether the committee intends to submit a formal report in writing.

Mr. ALDRICH. It has not been customary here to do so. I expect to explain the measure when it is taken up as best I may in behalf of the committee. That will take the place, I suppose, of a formal report.

Mr. BAILEY. Then, Mr. President, it will not be necessary for the minority to reserve the privilege of filing their views, and they can state their views whenever they offer the substitute.

Mr. ALDRICH. It has been suggested to me that the correspondence which I have submitted this morning would be, perhaps, of wide interest, and I ask that 5,000 additional copies be printed for the use of the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

JOHN PAUL JONES.

Mr. PLATT, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. GALLINGER on the 21st instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 25,000 additional copies of the addresses delivered at the exercises commemorative of John Paul Jones at the Naval Academy, Annapolis, Md., April 24, 1906, together with other papers and illustrations germane thereto, compiled and published under the direction of the Joint Committee on Printing; 8,000 copies for the use of the Senate and 17,000 copies for the use of the House of Representatives.

SURVEY OF CAPE FEAR RIVER, NORTH CAROLINA.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the concurrent resolution submitted by Mr. OVERMAN on the 27th instant, reported it without amendment, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Cape Fear River, North Carolina, from the city of Wilmington to the ocean, with a view to dredging and otherwise improving the same, and thereby obtaining a minimum depth of 30 feet and of sufficient width, and to submit a plan and estimate of cost of such improvement; such plan and estimate shall embrace the said increased depth and width over and above the existing project and also a separate plan and estimate for the increased depth and requisite width based upon the existing depth and width of the present channel from the city of Wilmington to the ocean.

BILLS INTRODUCED.

Mr. CLARK of Wyoming introduced a bill (S. 4703) to provide for the leasing of allotted Indian lands for mining purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. ELKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4704) granting an increase of pension to John W. Hodges; and

A bill (S. 4705) granting an increase of pension to John A. Gibson.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4706) for the relief of the heirs of Harmon Snyder; and

A bill (S. 4707) referring to the Court of Claims the claim of the legal heirs of John Harper, deceased, to certain lands in the State of Virginia.

Mr. McCUMBER introduced a bill (S. 4708) granting an increase of pension to Carlton Bradley, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 4709) to authorize the accounting officers of the Treasury Department to readjust the accounts of transportation companies for the transportation of troops, and for other purposes, which was read twice by its title and referred to the Committee on Claims.

Mr. DOLLIVER. On the 22d instant I introduced a bill (S. 4361) to provide for compulsory education of the native children of Alaska, and for other purposes. On consultation with those familiar with the subject I find certain amendments to that bill desirable, and I ask leave to reintroduce the bill.

The bill (S. 4710) to provide for compulsory education of the native children of Alaska, and for other purposes, was read twice by its title and referred to the Committee on Territories.

Mr. CULLOM introduced a bill (S. 4711) to authorize the Secretary of the Treasury to adjust the accounts of the Chicago, Milwaukee and St. Paul Railway Company for transporting the United States mails, which was read twice by its title and referred to the Committee on Claims.

Mr. BOURNE introduced a bill (S. 4712) to provide for the care of persons adjudged insane in the Territory of Alaska,

which was read twice by its title and referred to the Committee on Territories.

He also introduced a bill (S. 4713) to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon, which was read twice by its title and, with an accompanying paper, referred to the Committee on Indian Affairs.

Mr. GAMBLE introduced a bill (S. 4714) granting an increase of pension to Reuben A. Ketchum, which was read twice by its title and referred to the Committee on Pensions.

Mr. STEPHENSON introduced a bill (S. 4715) granting an increase of pension to John A. Wood, which was read twice by its title and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 4716) granting a pension to Harriet Harris, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4717) for the relief of T. B. Bratton; and

A bill (S. 4718) for the relief of the Union Church of Woodsonville, Ky. (with an accompanying paper).

Mr. DAVIS introduced a bill (S. 4719) to declare that part of the Mississippi River from Cairo, in the State of Illinois, south to its mouth a separate river-improvement district, and for other purposes, which was read twice by its title and referred to the Committee on Commerce.

Mr. DEPEW introduced a bill (S. 4720) for the relief of the sureties on the official bond of the late Cornelius Van Cott, which was read twice by its title and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 4721) granting an increase of pension to John A. Garrissine, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BANKHEAD introduced a bill (S. 4722) granting a pension to Janie Atnip, which was read twice by its title and referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a bill (S. 4723) authorizing the Secretary of the Interior to issue patents in fee to the Protestant Episcopal Church for certain lands in Wisconsin set apart for the use of the said church for missionary purposes among the Oneida Indians, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4724) to increase the compensation of surfmen and keepers of life-saving stations and houses of refuge, which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 4725) to establish a fish-hatching and fish station in the city of Green Bay, Brown County, State of Wisconsin, which was read twice by its title and referred to the Committee on Fisheries.

He also introduced a bill (S. 4726) for the relief of certain purchasers of lots in the Fort Crawford Military Tract at Prairie du Chien, State of Wisconsin, which was read twice by its title and referred to the Committee on Private Land Claims.

Mr. GORE (by request) introduced a bill (S. 4727) to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. WARNER introduced a bill (S. 4728) to remove the charge of desertion from the military record of John Ziegler, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4729) for the relief of William McDaniel (with accompanying papers);

A bill (S. 4730) for the relief of the trustees of the Presbyterian Church of Glasgow, Mo. (with an accompanying paper); and

A bill (S. 4731) for the relief of John R. Adams.

Mr. TILLMAN introduced a bill (S. 4732) requiring interstate transportation corporations owning capital stock in other transportation corporations to obtain the consent of such ownership of the legislatures of the States in which are located the transportation lines of the corporations whose stock is so owned, and also the like consent of Congress, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. CLAPP introduced a bill (S. 4733) for the relief of

Charles M. Breuer, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 4734) to provide for the transfer of a certain fund from "Depredations upon public lands" to the credit of the White Earth bands of Chippewa Indians in Minnesota;

A bill (S. 4735) to fulfill treaty stipulations of the treaty of June 28, 1862, and other treaty agreements with the Kickapoo Indians; and

A bill (S. 4736) extending the provisions of an act approved February 6, 1901, entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes.

Mr. KEAN introduced a bill (S. 4737) granting an increase of pension to Joseph W. Pierson, which was read twice by its title and referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 4738) granting a pension to Addie W. Farquhar, which was read twice by its title and referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a bill (S. 4739) to correct the military record of Timothy Daly, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. WARREN introduced a joint resolution (S. R. 47) proposing an amendment to the Constitution providing that the right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex, which was read twice by its title and referred to the Select Committee on Woman Suffrage.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DIXON submitted an amendment authorizing the Secretary of the Interior to expend an amount not exceeding \$30,000 to purchase for the use of Chief Rocky Boy's band of Chippewa Indians, now residing in Montana, suitable tracts of land, water, and water rights, in that State, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. GAMBLE submitted an amendment proposing to appropriate \$2,599.99 to pay James D. Elliott for services performed as United States attorney for the district of South Dakota from July 11, 1906, to March 4, 1907, intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate \$142,000 for surveying the unsurveyed portion of oil lands in Washington, Kane, Iron, and Garfield counties, Utah, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

HITCHMAN COAL AND COKE COMPANY V. JOHN MITCHELL.

Mr. CULBERSON. For the purpose of having it referred, I call up Senate resolution No. 81 and ask its reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. The Senator from Texas asks that the following resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The SECRETARY. Table Calendar 4, Senate resolution 81, by Mr. CULBERSON, relative to the bill of complaint filed in the circuit court of the United States for the northern district of West Virginia in the case of the Hitchman Coal and Coke Company, plaintiff, v. John Mitchell et al., defendants.

The VICE-PRESIDENT. Without objection, it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 9217. An act amending sections 2533 and 2534 of Revised Statutes, so as to change the name of the Fairfield collection district;

H. R. 9218. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;" and

H. R. 12420. An act to extend immediate-transportation privileges to the subport of Alburg, in the customs collection district of Vermont.

H. R. 14434. An act to validate certain entries of public lands in the State of Colorado was read twice by its title and referred to the Committee on Public Lands.

COURTS IN TEXAS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 485) to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes.

Mr. CULBERSON. I move that the Senate nonconcur in the House amendments and ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. CLARK of Wyoming, Mr. NELSON, and Mr. CULBERSON as the conferees on the part of the Senate.

SECOND HOMESTEAD ENTRIES.

Mr. GAMBLE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 300) providing for second homestead entries having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments to the House bill and agree to the same with an amendment, as follows:

Strike out the word "or," in line 5 of the House bill, and insert the words "or abandoned" after the word "forfeited," in the same line.

H. C. HANSBROUGH,
ROBERT J. GAMBLE,
FRANCIS G. NEWLANDS,
Conferees on the part of the Senate.
FRANK W. MONDELL,
A. J. GRONNA,
JNO. W. GAINES,
Conferees on the part of the House.

The report was agreed to.

BENTON WATER COMPANY.

The VICE-PRESIDENT. If there be no further morning business, that order is closed, and the Calendar, under Rule VIII, is in order. The first bill on the Calendar will be stated.

The bill (H. R. 7618) to authorize the Benton Water Company, its successors, or assigns, to construct a dam across the Snake River, in the State of Washington, was announced as first in order.

The VICE-PRESIDENT. The Senator from Idaho [Mr. HEBURN] left notice with the Secretary that he desired to be present when the bill the title of which has just been stated was considered.

Mr. NELSON. In view of that fact, I ask that the bill may be passed over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from Minnesota.

LEASING OF LAND BY INDIAN ALLOTTEES.

The bill (S. 1773) to amend section 3 of an act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes,'" was announced as next in order.

Mr. CLARK of Wyoming. Yesterday, at the suggestion of the Senator from South Dakota [Mr. GAMBLE], this bill was passed over in my absence and at my request. I desire at the proper time to discuss the bill and the amendment reported to it by the Committee on Indian Affairs. I desire to oppose the passage of the bill in its present form.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 20, after the word "grazing," to strike out "or ten years for mining," so as to make the bill read:

Be it enacted, etc., That section 3 of an act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes,' approved February 28, 1891," be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That whenever it shall be made to appear to the Secretary of the Interior that by reason of age or other disability any allottee under the provisions of said act or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment

or any part thereof the same may be leased upon such terms, regulations, and conditions as shall be prescribed by such Secretary for a term not exceeding three years for farming or grazing or ten years for mining purposes: *Provided*, That where lands are occupied by Indians who have bought and paid for the same or lands occupied by Indians on reservations created by Executive order or by legislative enactment, and which lands are not needed for farming or agricultural purposes and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians for a period not to exceed five years for grazing purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior."

Mr. CLARK of Wyoming. Mr. President, to the bill as it was referred to the committee I have no objection. The purpose of the bill as it was introduced was to make the leasing system and practice uniform upon reservations that were created by act of Congress and reservations which were created by Executive order. So far as the bill accomplishes that purpose, I have no objection whatever to it, but the bill as reported after accomplishing that purpose changes the system of leasing upon all Indian reservations. It will be noticed on page 2 of the bill—

Mr. LODGE. The Senator from Wyoming, as I understand, is addressing himself to Order of Business 94, which is Senate bill 1773.

Mr. CLARK of Wyoming. Yes.

Mr. President, to the bill as referred to the committee, as I have said, there is no objection so far as I am concerned, but as reported from the committee the amendment in line 20, on page 2, strikes out the words "or ten years for mining," which absolutely prohibits the leasing for mining purposes on any Indian reservation of Indian lands that have not been allotted. I suppose that the committee struck out those words at this time in view of the fact that complaint has been made that the leasing privileges upon certain of the Indian reservations have been grossly abused and that parties who had received leases for long terms upon Indian reservations had strenuously fought before the committees of Congress and elsewhere any proposition to open those reservations. Of course, with any such action as that I have absolutely no sympathy.

Another phase of the question which is presented, Mr. President, is that upon many of these Indian reservations a large portion of the land is not suitable for agricultural purposes, but is suitable for mining purposes. It is essential, not only for the Indians themselves, but for the inhabitants of the States and for the nation that all our bona fide mining interests be exploited.

In my own State the Shoshone Indian Reservation, a portion of which has recently been opened to entry, lies almost exactly in the center of the State. We have reason to believe it contains large deposits, not only of the precious metals, but of oil, which is classed as a mineral. It is essential to the development of the country, it is essential to the welfare and the revenue of the Indians that this oil shall be prospected. This bill, as it is proposed to be amended, absolutely prohibits that, not only cutting off a necessary production of the State, but cutting off the Indians from any possible revenue from that portion of the reservation that has not been allotted; and the particular lands that are valuable for mineral purposes are absolutely worthless for agricultural purposes; so that they are still held in community.

I hope the committee which has reported this bill will recede from the amendment which they propose, in striking out the words indicated. My impression is, Mr. President, that since the law was passed originally the time limit of leases has been reduced to five years. If I am mistaken, I am subject to correction; but I believe now the land can be leased for five years under such rules and regulations as the Secretary of the Interior may prescribe. It may be that the committee, upon second thought, will not object to striking out those words.

Mr. CURTIS. The Interior Department, I think, has held that they have no right to make mineral leases upon Executive-order reservations.

Mr. CLARK of Wyoming. Well, that may perhaps be true, but the Senator from Kansas will, I think, see the effect of striking out the words to which I have referred.

Mr. SUTHERLAND. Mr. President, I am in favor of opening all the existing Indian reservations allotting the lands to the Indians in severalty, and providing that the remaining lands shall be opened to settlement at the earliest possible day. I think the Indian reservation system is vicious and has resulted in very great abuses. Therefore I am opposed to any legislation which will tend to hold the Indian reservations in their present condition. I think that not only the bill which is now before the Senate for consideration, but the legislation which is proposed to be amended by it, had that tendency, and therefore I am opposed to it.

The bill proposes to amend section 3 of the act of Congress passed February 28, 1891, which act amended the act of Congress passed February 8, 1887. Section 3 of the act of 1891, among other things, provided:

That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians, for a period not to exceed five years for grazing, or ten years for mining purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

The Indian Bureau has interpreted that law to apply practically to all Indian reservations, with the exception of those created by Executive order. I think the interpretation of the Indian Bureau in that respect is wrong, and perhaps the interpretation, rather than the law itself, is what has led to these abuses.

The Senate will observe that the language here is carefully selected. It is where lands have been "bought and paid for," not lands which are "owned" by the Indians, but lands which have been "bought and paid" for, implying clearly that there shall have been such a transaction; that the Government acting upon one side shall have sold the lands; that the Indians acting upon the other side shall have bought the lands; and that there shall have been an actual payment for them. There are such lands. There are lands of that character in the former Indian Territory. I call to mind a case where the Cherokees had purchased for a sum of money, namely, \$500,000, a tract of land held by the Indians in common in the Indian Territory.

Now, we go back a moment to the language of this law, and it will be seen that the interpretation of the Indian Bureau is altogether too broad. The circumstances leading up to its enactment are instructive. It came about in this way: In 1884 and 1885 there was a great deal of agitation in the country with reference to an attempt on the part of the Indians in the Indian Territory to make leases of their lands. The Attorney-General, at that time Mr. Garland, was appealed to on the subject, and Mr. Garland very properly held that the Indians, under the provisions of the Revised Statutes of the United States, had no power to make any leases of any lands whatsoever, no matter by what title they might be held. Later, along in 1888 and 1889, leases were actually made by those Indians. The attention of President Harrison was called to the condition of affairs. He referred the question to the then Attorney-General, Mr. Miller. Mr. Miller rendered an opinion concurring with the opinion formerly rendered by Mr. Garland, holding that these leases were absolutely void. An order was issued directing the holders of these leases to remove their cattle from the land within a period of sixty days and declaring the leases to be absolutely void. At the very time that the legislation was pending in Congress, or perhaps within a few months afterwards, the original bill, as it was reported by the Committee on Indian Affairs and passed by the Senate, provided that "Indian lands" might be leased—not Indian lands "bought and paid for," but "Indian lands." The bill went to the House of Representatives in that form, and in that form the bill was passed by the House. The bill went to conference, and when it came out of conference the words "Indian lands" had been stricken out and the language "lands bought and paid for" had been inserted. I have no doubt that the committee of conference, and the Congress, in adopting the report of the conference committee, recognized that it was an injustice, in cases where the Indians had actually bought and paid for their lands and held them in fee simple, that there should not be some method by which they could be leased and the Indians be enabled to get a revenue from them. But it was never intended by this legislation that all Indian reservations should be subjected to the provisions of this law. I doubt, if at that time it had been so understood, that the bill would have passed either House of Congress.

In my own State it has worked very grave abuses. The Indian Bureau has held that the language "bought and paid for" applied to reservations which had simply been carved out of the great body of the public lands by legislative enactment, and which the Indians had not in any manner bought and paid for. The result has been that leases of this character have been issued to speculators, who have gone out on these Indian reservations and exploited them. This has led to scandal and abuse in connection with the subject. The people to whom the leases were granted have been interested in keeping the reservations from being opened, and they have sent lobbies down here to Congress in order to prevent them from being opened. The Uinta Reservation in my State, by efforts of that character, was kept from being opened for a period of ten years.

I am not in favor of passing any law that will result in a repetition of that kind of abuse. I think we ought to facilitate

the opening of these reservations and that we ought not to pass any legislation that will in any manner interfere with their being opened at the earliest possible date. For that reason I am opposed to the pending bill.

Mr. GAMBLE. Mr. President, the purpose of this legislation is clearly indicated by the provisions of the bill itself. The present law allows the leasing of Indian allotments for grazing and for mining purposes when the allotments can not be used for the benefit of the Indians by occupation or cultivation. As explained by the Senator from Utah [Mr. SUTHERLAND], a distinction was drawn and an opinion was rendered by the Assistant Attorney-General for the Interior Department in regard to the provision in the law of 1891 relative to the meaning of the limitation "bought and paid for." The holding by the Department was that that applied to reservations made by treaty or reservations which had been permanently occupied by Indian tribes. It was thought by the Department that there should be no distinction held between reservations occupied by Indians under treaty and reservations created by Executive order or by law.

The purpose of the bill as introduced was to place all Indian reservations upon the same basis; so that, in addition to the leasing of allotments either for grazing or for mining purposes, the surplus lands of the Indian reservations not needed by the Indians might be leased by an Indian council speaking for the tribe and through such regulations as might be prescribed by the Secretary of the Interior, not only for grazing, but for mining purposes. That was the purpose of the proposed legislation as originally introduced. The proposed legislation has been favored by the Interior Department.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. GAMBLE. Just a word, and I will conclude.

The bill was reported; but it was the judgment of the committee, especially as expressed by the Senator from Utah [Mr. SUTHERLAND] as to certain objections made in regard, I think, to the Uinta Reservation, where mining leases had been made which had resulted in the defeat of the opening of the reservation, that it might be wise, and in their judgment it was wise, that no authority should be given for the leasing of the surplus lands for mining purposes, but that the right should extend to the leasing of the reservations by treaty, by Executive order, or by law, for grazing purposes. That amendment was made by the committee itself. I think that is all I have to say.

Mr. SUTHERLAND. I want to ask the Senator—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. GAMBLE. Certainly.

Mr. SUTHERLAND. I want to ask the Senator a question. He says, as I understood, that it has been held by the Indian Department that the language "lands bought and paid for" has been applied to reservations which have not been "bought and paid for," but which have simply been carved out of the body of the public domain. That is correct, as I understand, is it not?

Mr. GAMBLE. I think that is so where the Indians occupy the reservation by treaty.

Mr. SUTHERLAND. Yes; by treaty.

Mr. GAMBLE. Or where they have occupied it permanently and it is supposed the Indian tribe has a fee to the land.

Mr. SUTHERLAND. Yes. Now, what I want to submit to the Senator is this: The original Indian title is that of occupancy—

Mr. GAMBLE. Yes, sir.

Mr. SUTHERLAND. That is recognized upon all hands. When we, by treaty or otherwise, carve out of a large body of land, which is held by the Indians by this title of occupancy only, a smaller body by treaty or in any other way, by what process of reasoning does the Senator think that we have in any manner added to the title which the Indians have?

Mr. GAMBLE. I do not think we have.

Mr. SUTHERLAND. We have conferred no additional title upon them?

Mr. GAMBLE. Not at all.

Mr. SUTHERLAND. Then, if that be true, why are not all the Indian lands that have been "bought and paid for" as much as those which have been carved out of the main body of the Indian lands by treaty or otherwise? Yet the Department applies the provisions of the law to those bodies of land that have been carved out of the larger bodies without any additional title having been conferred upon the Indians, and excludes the general lands that have not been thus carved out.

Mr. GAMBLE. In reply, I think that in many cases reservations have been created by Executive order from public lands

to which the Indians who were placed thereon claim no title, either by occupancy or otherwise; and frequently by law Indians have been assigned public lands which they have not occupied at all. That was the distinction drawn by the Assistant Attorney-General, a copy of whose report covering that particular question I have incorporated in the report of the committee which I have submitted on this bill.

Mr. TELLER. Mr. President, I do not care to go into any details of the experience the people of this country have had in the matter of leasing lands on Indian reservations, particularly in the extreme West. It is a chapter that nobody is very proud of and an experience that, it seems to me, ought to make us all very careful how we authorize generally the leasing of such lands.

In this bill, Mr. President, there appears to be an attempt to treat by Executive order lands as if they were the property of the Indians. They are not the property of the Indians and should receive entirely different treatment from that accorded to the lands that really do belong to the Indians.

This is entirely too important a bill to be considered under the five-minute rule. It involves very many questions, and it seems to me that it is a matter about which we ought to go pretty slow on and be pretty careful. Therefore I am going to object to the further consideration of the bill and ask that it go over under Rule IX, so that we may have an opportunity to have it taken up and properly considered.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill, and it will go to the Calendar under Rule IX, at the request of the Senator from Colorado.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to, and (at 1 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 31, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 30, 1908.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

REFERENCE OF DISTRICT BILLS.

The SPEAKER. The Chair announces the following changes of reference, which the Clerk will read.

The Clerk read as follows:

The bills (H. R. 12678) for the widening of Twentieth street NW., District of Columbia, and (H. R. 11767) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes, were erroneously referred to the House Calendar.

These bills provide for an appropriation of moneys out of the Treasury of the United States, and should have been referred to the Union Calendar. Therefore the reference of said bills will be changed.

BRIDGE ACROSS POWELLS RIVER, TENNESSEE.

Mr. HALE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14781) to authorize Campbell County, Tenn., to construct a bridge across Powells River.

The bill was read, as follows:

Be it enacted, etc., That Campbell County, Tenn., its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Powells River at or near its mouth, near Agee post-office, in Campbell County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. WILLIAMS. What is this bill?

The SPEAKER. A bridge bill.

Mr. WILLIAMS. Is it unanimously reported by the committee?

Mr. HALE. Unanimously reported.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HALE, a motion to reconsider the last vote was laid on the table.

REPRINT OF A PENSION BILL.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 15653) to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows

of the deceased soldiers and sailors of the late civil war, and that 5,000 copies of it be printed.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for a reprint of a bill, the title of which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, this is a request for a reprint?

Mr. SULLOWAY. That is all.

There was no objection.

BRIDGE ACROSS COLORADO RIVER, ARIZONA.

Mr. SMITH of Arizona. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from further consideration of the bill S. 2662, now on the House Calendar, and I ask for its immediate consideration. It has been reported by the House committee.

The bill was read, as follows:

Be it enacted, etc., That the Arizona and California Railway Company, a corporation organized under the laws of the Territory of Arizona, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Colorado River, at or near Parker, in the Territory of Arizona, as may be approved by the Secretary of War, for the passage of railroad trains by means of a single or double track, and also, at the option of said company, its successors and assigns, to be used for the passage of wagons, vehicles, street cars, animals, and persons on foot and in vehicles, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, my recollection is that the House committee reported the Senate bill.

Mr. SMITH of Arizona. The Senate bill has been reported by the House committee and is now on the Calendar.

Mr. MANN. I thought the request was to discharge the committee.

Mr. ADAMSON. The committee reported the Senate bill.

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS GRAND CALUMET RIVER, INDIANA.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13430) to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.

The bill was read, as follows:

Be it enacted, etc., That the Chicago, Indianapolis and Louisville Railway Company, a corporation of the State of Indiana, is hereby authorized to construct, maintain, and operate a bridge across the Grand Calumet River at a point in the city of Hammond, Lake County, Ind., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, is this unanimously reported?

Mr. CRUMPACKER. This is unanimously reported by the committee, but I want to propose a slight amendment, if consent be given, to add the words "or near" after the word "in," so that it will read "in or near the city of Hammond, Ind."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Does the gentleman offer an amendment?

Mr. CRUMPACKER. I move that the words "or near" be inserted after the word "in" in the bill.

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 6, after the word "in," insert the words "or near," so that it will read "at a point in or near the city of Hammond."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 514. An act to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897;